

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVAN HARRIS,

Case No. 20-CV-08827 (LAP)

Plaintiff,

-against-

ORDER

STATE OF NEW YORK, OFFICE OF NEW YORK
STATE COMPTROLLER, LAWRENCE SCHANTZ,
and ROBERT TAMBINI,

Defendants.

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LORETTA A. PRESKA, Senior United States District Judge:

On March 22, 2023, the Court heard oral argument on the motions to dismiss Plaintiff Evan Harris's second amended complaint (dkt. No. 66) brought by defendants State of New York (dkt. no. 75) and Office of New York State Comptroller (dkt. no. 69), defendant Robert Tambini's motion to dismiss the claims against him in counts III, V, and VII of the second amended complaints (dkt. no. 72), and defendant Lawrence Schantz's motion to dismiss the claims against him in counts III, V, and VII of the second amended complaint (dkt. no. 78).

The Court made the following rulings on the motions, and it is hereby ORDERED THAT:

1. The State of New York's motion to dismiss the second amended complaint pursuant to Fed. R. Civ. P. 12(b)(6) is GRANTED. All claims against the State of New York are DISMISSED with prejudice.
2. The motion of defendant Office of The State Comptroller to dismiss the second amended complaint pursuant to Fed. R. Civ. P. 12(b)(6) is DENIED.

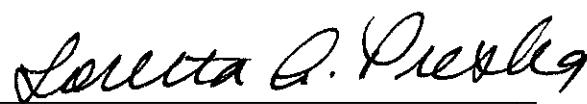
3. Defendant Lawrence Schantz's motion to dismiss counts III, V, and VII of the second amended complaint, alleging retaliation under 42 U.S.C. § 1983, The New York State Human Rights Law, and The New York City Human Rights Law, is GRANTED. *(dkt. no. 78)*
The claims in those counts are DISMISSED with prejudice.

4. The motion of defendant Robert Tambini to dismiss counts III, V, and VII of the second amended complaint pursuant to Fed. R. Civ. P. 12(b)(6) is DENIED. *(dkt. no. 72)*

Defendants Office of the State Comptroller, Lawrence Schantz, and Robert Tambini, shall answer the second amended complaint on or before April 7, 2023.

SO ORDERED.

Dated: March ³⁰₂₄, 2023
New York, New York



LORETTA A. PRESKA
Senior United States District Judge: